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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 DAVID ALLEN HAWKINS,

10 Petitioner,

11 v.

12 ELDON VAIL,

13 Respondent.  
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CASE NO. C09-5434RBL/JRC

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

15 The Court having reviewed the Report and Recommendation of the Hon. J. Richard  
16 Creatura, United States Magistrate Judge, objections to the Report and Recommendation [Dkt.  
17 #16], and the remaining record, does hereby find and Order:

- 18 (1) The Court adopts the Report and Recommendation;  
19  
20 (2) This petition is time barred. The petition fails on the merits as well. The petition  
is **DENIED**.  
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22 (3) The clerk is directed to send copies of this Order to Petitioner, and the Hon. J.  
Richard Creatura.

23 DATED this 11<sup>th</sup> day of December, 2009.

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26 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE